

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

LAWRENCE BLITZ, Individually and on) Civil Action No. 3:11-cv-00992
Behalf of All Others Similarly Situated,)
Plaintiff,) CLASS ACTION
vs.) Chief Judge Todd J. Campbell
AGFEED INDUSTRIES, INC., et al.,) Magistrate Judge E. Clifton Knowles
Defendants.)
)

KEVIN SOPUCH, Individually and on Behalf) Civil Action No. 3:11-cv-01025
of All Others Similarly Situated,)
Plaintiff,) CLASS ACTION
vs.) Chief Judge Todd J. Campbell
AGFEED INDUSTRIES, INC., et al.,) Magistrate Judge E. Clifton Knowles
Defendants.)
)

[Additional captions appear on next page.]

MOTION TO CONSOLIDATE AND FOR SCHEDULING ORDER BY DEFENDANTS
AGFEED INDUSTRIES, INC., JOHN A. STADLER, GERARD DAIGNAULT, RAYMOND
M. CESCA, CLAY MARSHALL, AND EDWARD PAZDRO

LAWRENCE R. ROSEN, Individually and on) Civil Action No. 3:11-cv-01043
Behalf of All Others Similarly Situated,)
Plaintiff,) CLASS ACTION
vs.) Judge John T. Nixon
AGFEED INDUSTRIES, INC., et al.,) Magistrate Judge John S. Bryant
Defendants.)
)

JUNE W. DOUGHERTY, Individually and on) Civil Action No. 3:11-cv-01046
Behalf of All Others Similarly Situated,)
Plaintiff,) CLASS ACTION
vs.) Judge Kevin H. Sharp
AGFEED INDUSTRIES, INC., et al.,) Magistrate Judge John S. Bryant
Defendants.)
)

MICHAEL FAJEN, Individually and on Behalf) Civil Action No. 3:11-cv-01050
of All Others Similarly Situated,)
Plaintiff,) CLASS ACTION
vs.) Chief Judge Todd J. Campbell
AGFEED INDUSTRIES, INC., et al.,) Magistrate Judge E. Clifton Knowles
Defendants.)
)

Defendants AgFeed Industries, Inc., John A. Stadler, Gerard Daignault, Raymond M. Cesca, Clay Marshall, and Edward Pazdro (collectively “Movants”), pursuant to Fed. R. Civ. P. 42, move the Court for an entry of an order consolidating the above-captioned actions. Further, Movants request an order allowing them sixty days to respond to any consolidated or amended consolidated complaint incorporating the allegations and claims included in these five cases and designated as the operative complaint in the consolidated actions. Counsel for Plaintiffs in the above-captioned actions have alerted counsel for Movants that Plaintiffs do not oppose the relief requested in this motion.

As grounds for the motion, Movants submit that these actions contain common questions of law and fact, and the consolidation of these actions for all matters at issue in the action (including pre-trial purposes and trial) would avoid unnecessary costs and prevent delay. A memorandum of law and a proposed order are filed herewith in support of this motion.

Respectfully submitted,

By: /s/ Overton Thompson

Overton Thompson III (TN #11163)
E. Steele Clayton, IV (TN #17298)
BASS, BERRY & SIMS PLC
150 Third Avenue South, Suite 2800
Nashville, Tennessee 37201
Telephone: (615) 742-6200
othompson@bassberry.com
sclayton@bassberry.com

Attorneys for Defendants AgFeed Industries, Inc., John A. Stadler, Gerard Daignault, Raymond M. Cesca, Clay Marshall, and Edward Pazdro

Of Counsel:

William R. Baker, III
J. Christian Word
LATHAM & WATKINS LLP
555 Eleventh Street, NW
Suite 1000
Washington DC 20004-1304

CERTIFICATE OF SERVICE

I hereby certify that on November 22, 2011, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following and/or served the following via U.S. Mail:

James A. Crumlin, Jr.
Keith C. Dennen
BONE MCALLESTER NORTON PLLC
511 Union Street, Suite 1600
Nashville, TN 37219
jcrumlin@bonelaw.com
kdennen@bonelaw.com

Brian J. Robbins
Gregory E. Del Gaizo
Conrad B. Stephens
ROBBINS UMEDA LLP
600 B Street, Suite 1900
San Diego, CA 92101
brobbins@robbinsumeda.com
gdelgaizo@robbinsumeda.com
cstephens@robbinsumeda.com

Paul Kent Bramlett
Robert P. Bramlett
BRAMLETT LAW OFFICES
2400 Crestmoor Road
PO Box 150734
Nashville, TN 37215-0734
PKNASHLAW@aol.com
Robert@BramlettLawOffices.com

Seth D. Rigrodsky
Brian D. Long
RIGRODSKY & LONG, P.A.
919 N. Market Street, Suite 980
Wilmington, DE 19801
sdr@rigrodskylong.com
bdl@rigrodskylong.com

Timothy J. MacFall
Scott J. Farrell
RIGRODSKY & LONG, P.A.
585 Stewart Avenue, Suite 304
Garden City, NY 11530
tjm@rigrodskylong.com
sjf@rigrodskylong.com

D. Seamus Kaskela
David M. Promisloff
Adrienne O. Bell
KESSLER TOPAZ
MELTZER & CHECK, LLP
280 King of Prussia Road
Radnor, PA 19087
skaskela@ktmc.com
dpromisloff@ktmc.com
abell@ktmc.com

Marc I. Gross
Jeremy A. Lieberman
POMERANTZ HAUDEK
GROSSMAN & GROSS, LLP
100 Park Avenue, 26th Floor
New York, New York 10017-5516
migross@pomlaw.com
jalieberman@pomlaw.com

Patrick V. Dahlstrom
POMERANTZ HAUDEK
GROSSMAN & GROSS, LLP
10 South LaSalle Street, Suite 3505
Chicago, IL 60603
pdahlstrom@pomlaw.com

George E. Barrett
Douglas S. Johnston, Jr.
Timothy L. Miles
BARRETT JOHNSTON, LLC
217 Second Avenue, North
Nashville, TN 37201-1601
gbarrett@barrettjohnston.com
djohnston@barrettjohnston.com
tmiles@barrettjohnston.com

Darren J. Robbins
David C. Walton
Catherine J. Kowalewski
ROBBINS GELLER RUDMAN
& DOWD LLP
655 West Broadway, Suite 1900
San Diego, CA 92101
darrenr@rgrdlaw.com
davew@rgrdlaw.com
katek@rgrdlaw.com

/s/ Overton Thompson